

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

ORIGINAL

1231266

SHIRLEY A. BANKS-BENNETT
(PLAINTIFF)

FILED CIVIL ACTION NO.
HARRISBURG, PA CV-01-1241

INGRAM-MICRO U.S. ETAL
(DEFENDANTS)

MAR 25 2002 (JUDGE KANE) V

MARY E. D'ANDREA, CLERK
Per rw
Deputy Clerk

PLAINTIFFS BRIEF IN SUPPORT OF MOTION TO OPPOSING

DEFENDANT IS THE ACTION ARISING UNDER TITLE
VII OF CIVIL RIGHT ACT AND ADEA FOR
RETALIATION FOR HAVING PREVIOUSLY FILED A
COMPLAINT FOR DISCRIMINATION.

EXHIBIT #1
EXHIBIT #2
EXHIBIT #3
EXHIBIT #4
EXHIBIT #5
EXHIBIT #6
EXHIBIT #7
EXHIBIT #8
EXHIBIT #9

JOB FAIR
ANSWER

MICHAEL M. SMITH ASST. CHIEF COUNSEL
EMPLOYMENT APPLICATION, SHIRLEY A. BANKS-BENNETT
FACT FINDING CONFERENCE

DAVID KOZEMCHAK; HUMAN RELATIONS REPRESENTATIVE
A. B.

SHIRLEY BENNETT EMPLOYEE HISTORY REPORT
MANAGER P. HOFFMAN SPV/SENIOR

WHEREFORE, PLAINTIFF IS ENTITLED TO RELIEF
AND PRAYS FOR THE DEFENDANT TO PAY.

RESPECTFULLY SUBMITTED,
SHIRLEY A. BANKS-BENNETT
Shirley A. Banks-Bennett
2649 WALDO ST.
HBCG, PA 17110
717 232-1989

CERTIFIED OF SERVICES

I, SHIRLEY A. BANKS-BENNETT SWEAR
AND HERE CERTIFIED THAT I SERVED A
COPY OF THE OPPOSING MOTION ON THE
25 DAY OF March 2002, BY FIRST
CLASS MAIL, POSTAGE PRE-PAID AS FOLLOW

PAUL J. DELLASEGA ESQ.
23146
305 N. FRONT ST.
P.O. Box 999
HBCG, PA 17108
717 255-7621

On 5/7/97 there was a job fair at the Dauphin County Welfare office. Defendant Vickie Smith represented employer Ingram Micro (See Exhibit #1). Plaintiff approached Defendant Smith and asked if Plaintiff "should put another application in." Defendant Smith's reply was, "I already have your application on file so the answer is no."

On 7/1/97 Plaintiff filed a complaint (Docket #3928AO) of discrimination with the Pennsylvania Human Relation Commission. This was served on the Defendants on 8/8/97.

On or about 7/31/97, the Defendants put out in front of their building a sign advertising employment opportunities.

On 8/13/97 Plaintiff met with Defendant Vickie Smith at her request. Plaintiff asked, "if any more temporaries were going to be hired." Defendant Vickie Smith stated, "No." Also at that meeting of 8/13/97 Defendant Vickie Smith said she, "had the right to hire anyone she wants," and why would you (Plaintiff) want to work for us. Plaintiff stated to Defendant Vickie Smith, "You don't have the right to discriminate against me."

On or about 8/18/97 Defendants hired (3) race Hispanic females from Drexel Temporary Agency; and refused Plaintiff employment as a picker/shipping clerk in retaliation for Plaintiff's filing a complaint for discrimination alleging Race/Black, and/or Sex/Female, or Age.

On or about 9/29/97 Defendants discharged Plaintiff in retaliation for filing a complaint of discrimination alleging Race/Black and/or Sex/Female, or Age.

Facts

Vickie Smith, Ken Goodwin and Bill Munley subjected Plaintiff to hostile work environment based on the fact that Plaintiff filed a complaint with Pa. Human Relation

Commission (Docket #3928AO).

Argument

Hudson v. Reno, 130 F.3d 1193 (1997). Plaintiff will argue that Hudson is wrong for this case. Front pay is not an element of compensatory damages, but rather a replacement for the remedy reinstatement in this situation in which reinstatement would be inappropriate.

Bill Munley, Vickie Smith and Ken Goodwin are still employed at Ingram Micro.

Plaintiff was well trained as a picker for the Shipping Department and a Hot Replenishment Clerk. Better trained than someone off the street. Bill Munley once said to Plaintiff, "Temps are losers and I will work you 'till tomorrow morning," which he did work me to 2:00AM, way past my shift. Vickie Smith refused to hire me and so did Ken Goodwin. In the 3-30-98 Answer from Defendants it states Defendants are in possession of employment application from Plaintiff and Defendant admits that it has advertised employment opportunities. At a meeting held at Pa. Human Relation Commission on or about the early part of 1998, Ms. Smith was present with her attorney. Ms. Smith said, "Peter Hoffman, Manager of Hot Replenishment, refused me employment. Peter Hoffman, on numerous occasions said, "If it was up to me (Peter Hoffman) you would be hired today."

David Kozemchak, Human Relations Representative, made an inquiry concerning Peter Hoffman to find that Peter Hoffman was no longer with Ingram Micro. David Kozemchak asked Vickie Smith for Peter Hoffman's Social Security Number to try to locate Peter Hoffman. Vickie Smith said she did not have that information available.

The Court must accept as true all factual allegations in the complaint. Further, the court must give the pleader the benefit of all reasonable inferences that can fairly be drawn from the factual allegations and view them in the light most favorable to the Plaintiff. Morse v. Lower Merion School District, 132 F.3d 902, 906 (3d Cir 1997).

Plaintiff put application in on 3/24/97 (good for six months).

Plaintiff worked for Defendants for nine months. Plaintiff might have been off sick two days in nine-month period. There were times when Plaintiff did not work 40 hours, because there was not enough work, so all temps were sent home early. Other times Plaintiff worked over 40 hours per week because of so much work.

Plaintiff suggests that by my complaining Plaintiff was refused employment. Thus, Defendants retaliated against Plaintiff and that is against the laws of the United States of America, 42 U.S.C. §2000 e-3 (a) (b) Title VII Act of 1964, 42 U.S.C. §2000 e-5 (g) (1).

Because of Defendants, Plaintiff lost that income. Life became very stressful and emotionally painful at times.

Plaintiff seeks lost wages and all benefits (taxable) given to a full-time 3:00PM to 11:00PM employee, pay raises, personnel holiday, vacation, and bonuses (starting 4/1/97)

Plaintiff seeks punitive and compensatory damages (tax-free) for past and future pecuniary losses, emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life and other non pecuniary losses. Justice Thomas delivered the opinion of the Supreme Court in Pollard v. Dupont, 69 U.S.L.W. 4419.

Plaintiff worked for the Defendants in good faith.

Exhibit # 1

EMPLOYERS ATTENDING 5/7 JOB FAIR

KELLY SERVICES

RADISSON PENN HARRIS

INGRAM MICRO

KEYSTONE HEALTH ^{PLAN} CENTRAL

ATLANTIC SECURITY

Exhibit 2

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION

SHIRLEY BANKS-BENNETT,
Claimant

v.

INGRAM MICRO, INC.,
Respondent

DOCKET NO.: E85223 A.D.
EEOC CHARGE No. 17F980434

ANSWER

1. Admitted.
2. Admitted.
3. Denied.

3(a)(1). Denied as stated. Admitted that within the last several months Respondent has hired employees.

3(a)(2). Respondent is unaware of the date of Complainant's birth other than the Complainant's representations and the allegation is therefore denied.

3(a)(3). Denied as stated. Complainant's primary duties were as a box maker.

3(a)(4). Denied as stated. Respondent is in possession of an Employment Application from Complainant dated 3/24/97, the terms of which speak for itself.

3(a)(5). Admitted.

3(a)(6). Denied as stated. Respondent has within the last several months hired employees.

3(a)(7). Admitted.

3(a)(8). Denied as stated. Respondent admits that it has advertised employment opportunities, but it is uncertain as to the exact date of such advertisements.

3(a)(9). Denied.

3(a)(10) Respondent admits that three Hispanic employees were hired but denies that they were female. Respondent specifically denies that Vicki Smith told the Complainant that "Respondent has the right to hire anyone it wants."

Exhibit 3

Chairperson
CARL E. DENSON
Vice-Chairperson
RAQUEL OTERO de YIENGST
Secretary
GREGORY J. CELIA, JR.
Executive Director
HOMER C. FLOYD



**COMMONWEALTH OF PENNSYLVANIA
HUMAN RELATIONS COMMISSION**

301 Chestnut Street, Suite 300
P.O. Box 3145
Harrisburg, PA 17105-3145
(717) 787-4410 (Voice)
(717) 787-4087 (TT)

COMMISSIONERS
M. JOEL BOLSTEIN
JOSEPH J. BORGIA
THEOTIS W. BRADY
RUSSELL S. HOWELL
ELIZABETH C. UMSTATTD
SYLVIA A. WATERS
DANIEL D. YUN

www.phrc.state.pa.us

December 7, 2001

Shirley A Banks-Bennett
2649 Waldo Street
Harrisburg, PA 17110

Re: Banks-Bennett v. Ingram Micro U.S., et al.,
C.A. No. 1:CV-01-1241 (M.D. Pa.)

Dear Mr. Banks-Bennett:

Enclosed please find true and correct copies of documents in the Pennsylvania Human Relations Commission's file, Docket No. E-85223AD, to which you are entitled under your subpoena in the above-referenced action.

The cost for providing these documents is fifteen cents per page released. Please remit \$33.15, which represents the cost for the 221 pages released. Your check should be made payable to "Commonwealth of Pennsylvania" and sent to me at the above address.

Sincerely,

A handwritten signature in cursive script, reading "Michael M. Smith".

Michael M. Smith
Assistant Chief Counsel

Encl.

cc: Thomas Myers, Director of Compliance

AUG-20-97 WED 9:41 AM INGRAM MICRO

FAX NO. 717 541 5105

P. 3

Exhibit # 4

**INGRAM
MICRO.****Employment Application**

NOTICE: COMPLETE ALL LINES ENTIRELY IN INK. INFORMATION WILL BE VERIFIED.

Name Bennett Shirley A.
 (Last) (First) (Middle)
Banks Shirley A
 For checking prior records, provide other names under which you have worked
 Address 2649 Waldo Street
Harrisburg (City) Penna. (State) 17116-2630 (Zip)
 Telephone (717) 232-1989 Business or Message Phone ()

Date 7-24-97Social Security No. 197-40-8222

How were you referred to us? (Check one)

☐ Advertisement (where)?☒ Agency Dixiel☐ Employee (Name)☐ Other

I am available for employment on a ☒ Full Time Basis ☐ Part Time Basis Date Available ASAP
 Starting salary desired \$8/hr Type of position desired Shipping clerk
Box maker re pack zone

If hired can you present evidence of your legal right to work in the United States?

No ☒ Yes

Do you have any relative currently employed by Ingram Micro?
 (No) ☒ Yes If yes, state name and department or title

Were you ever employed by Ingram Micro or any other Ingram Industries company before?
 (No) ☒ Yes If yes, when and which company?

EMPLOYMENT HISTORY**DO NOT PUT "SEE RESUME"**

Beginning with your present or last position, list all jobs you have held to cover a five-year period of time (include military experience if job-related). (If the four spaces below do not cover five years of time, attach a separate piece of paper to list all jobs for five years. If you have a resume, please attach to application; however, you MUST complete and sign this application. FILL IN ALL SPACES. LEAVE NO SPACES UNFILLED.

Name of Employer Giant Foods Inc. Type of Business Grocery
 Address Linglestown Rd. Harrisburg Pa Phone (717) 652-7795
 Dates Employed FROM Mo. 9 Yr. 95 TO Mo. Present Yr. 95 Starting Title Delic. clerk Last Title Same Starting Salary \$5.55/hr Final Salary \$6.40/hr
 Name of Supervisor Joe Kissinger May we contact now? ☐ No ☒ Yes Reason for leaving Said I was
 Brief description of Duties Greet customers price mark and check make subs and pizza and party treat

Name of Employer The Dixiel Group, Inc. Type of Business Personnel Service
 Address 4815 Junes town Rd Suite 201 Harrisburg Pa. Phone (717) 652-3123
 Dates Employed FROM Mo. 1 Yr. 97 TO Mo. Present Yr. 97 Starting Title same Last Title same Starting Salary \$6.40/hr Final Salary same
 Name of Supervisor Peggy Johnson May we contact now? ☐ No ☒ Yes Reason for leaving Said I was
 Brief description of Duties Pick products make boxes

Name of Employer Comm. of Penna. Dept. of Revenue Bureau of Admin. Services Type of Business Revenue
 Address 2850 Turnpike Ind. Drive Middleburg, Pa 17057 Phone (717) 986-4600
 Dates Employed FROM Mo. 11 Yr. 95 TO Mo. 6 Yr. 96 Starting Title Tax Season clerk Last Title same Starting Salary \$6.00/hr Final Salary \$6.50/hr
 Name of Supervisor Yutshu shan May we contact now? ☐ No ☒ Yes Reason for leaving Tax Season over lay off
 Brief description of Duties fill orders for corp. tax telephone orders for tax payers open review and
distribute mail received Relieve the receptionist for breaks and lunch work on big mailings

AUG-20-97 WED 9:42 AM INGRAM MICRO

FAX NO. 717 541 5105

P. 4

Name of Employer Polyclinic Hospital Type of Business Hospital
 Address 2601 N. 3rd Street Harrisburg, Penna Phone (717) 782-4315
 Dates Employed
 FROM Mo. 1 Yr. 74 TO Mo. 3 Yr. 94 Starting Position Nursing Asst Last Salary to the unit Starting Union Union Final Salary 9.21/hr

Name of Supervisor _____ May we contact now? ☐ No ☒ Yes Reason for leaving retired

Brief description of Duties answer phones send faxes take doctors orders off patient's chart.

Schedule test for patient admit patient order medicine distribute mail news and direct visitors to patient.

Summarize prior relevant experience and explain periods of unemployment or periods not accounted for above. Use a separate sheet of paper if you need more space.

List names and locations of educational institutions you attended. For purposes of checking your educational background, state year degree or credentials received.

Location	Major Subjects	Highest Year Attended (to 12th)	Diploma or Degree	Year Degree Received
High School <u>Bishop McDevitt H.S.</u> <u>Market Street Harrisburg, Pa.</u>	<u>clerical</u>	<u>12</u>	<u>Diploma</u>	
College or Technical <u>N/A</u>				

List other skills, computer knowledge, or special training related to the position you are seeking (include keyboard speed and word processing skills).

IMPORTANT

Have you ever been convicted of a felony? ☐ No ☒ Yes

If yes, give dates and explanation. (Conviction does not automatically exclude you from consideration for employment and you will be given the opportunity to explain any convictions.) Please see attached paper Poss. with intent to deliver

Please list the name and telephone number of two business (not personal) references.

Name Bob Johnson - ABF Phone (717) 238-2042 Relationship to you Friend
 Name Tim Gintman - Giant Phone (717) 652-7795 Relationship to you Friend

I authorize investigation of all statements contained in this application for employment. I understand that falsification, omission or misstatement of information may result in refusal to hire, or if hired, dismissal from employment.

I agree that Ingram Micro Inc. and my previous employers shall not be held liable in any respect if any employment offer is not tendered, is withdrawn or my employment is terminated due to falsity of the statements and answers in this application form. I understand that as a condition of employment, I may be required prior to and during employment to take and pass drug and alcohol tests. I understand the company has the right to search anything brought onto company premises or vehicles including desks, lockers, handbags, briefcases and automobiles. I understand the company benefits and rules and regulations may be changed, modified, deleted or added to by the company at any time at the company's sole option and without any prior notice. I understand that my employment may be terminated at any time with or without cause and with or without notice at the option of the company. I understand that no representative of the company has any authority to enter into any agreement for employment for any specified period of time or to make commitments or promises or assure any benefit terms and conditions of employment unless such are made in writing and signed by the Chairman of the company.

If I am hired, I understand that additional personal data will be required for determination of benefit eligibility and for statistical purposes.
 I understand this application will remain active for no more than 90 days.

I HEREBY ACKNOWLEDGE THAT I HAVE READ THE ABOVE STATEMENT, UNDERSTAND IT, AND THAT ALL INFORMATION I HAVE SUBMITTED IS FACTUAL, CORRECT AND SUBJECT TO COMPLETE VERIFICATION.

Shirley A. Banks, BSN
 Signature (Acknowledgement)

4-1-97
 Date

INGRAM MICRO INC. IS AN EQUAL OPPORTUNITY EMPLOYER. WE DO NOT DISCRIMINATE
 BECAUSE OF AGE, RACE, RELIGION, CREED, MARITAL STATUS, VETERAN STATUS,
 COLOR, NATIONAL ORIGIN, SEX OR DISABILITIES.

AUG-20-97 WED 9:43 AM INGRAM MICRO

FAX NO. 717 541 5105

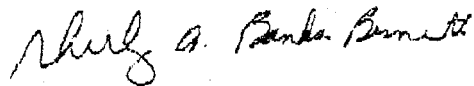
P. 5

Shirley A. Banks-Bennett
SS #197-40-8222
2649 Waldo Street
Harrisburg, PA 17110
(717) 232-1989

To whom it may concern:

10-92 arrested for possession of controlled substance, Conspiracy.
2-10-94 D.A. office of Dauphin County offered me a bargain for guilty plea. 90 days
in-house arrest, 9 months probation, \$200 fine. I accepted it.
Judge Jeannie Turgeon accepted it, too (Docket # 38 CO 93)
I have had no further dealings with the law.
Previous employers stated on this application are aware of my criminal record.

Sincerely,



Shirley A. Banks-Bennett

PENNSYLVANIA HUMAN RELATIONS COMMISSION
NOTICE OF FACT FINDING CONFERENCE
TO THE RESPONDENT

Exhibit #5

DOCKET NO. **E-85223-AD**

CASE NAME: **Shirley A. Banks-Bennett v. Ingram Micro**

In accordance with the statutory mandate (PHRAct, Section 9) for a prompt investigation of complaints of discrimination, the Commission has scheduled a FACT FINDING CONFERENCE FOR THIS COMPLAINT. The conference will be held:

PLACE: PHRC REGIONAL OFFICE 2971-E N. Seventh St., Harrisburg, PA

DATE: March 30, 1998

TIME: 1:00 p.m. CONFERENCE ROOM: 5

A Fact Finding Conference is a meeting at which the two parties of the complaint (face to face) present evidence and documents about the issues raised in the charge. A Commission Representative, acting as a Fact Finder, will preside over and conduct the meeting. The purpose and goal of the conference is to achieve either an early settlement or a prompt investigation of the complaint.

The Fact Finding Conference is to the advantage of both the complainant and the respondent. Each party is given the opportunity to present its version on the charge and to rebut the position of the other. The conference is not a quasi trial nor a hearing, but rather it is an investigatory procedure. It is a direct and immediate way for the Commission - with the concerned parties present - to investigate the facts and the circumstances surrounding the issues raised in the charge of discrimination.

Although neither party is required to employ an attorney for the Fact Finding Conference, the complainant and/or the respondent, if they so choose, may be represented by legal counsel. If any attorney present plays a strictly advisory role, and may testify only to matters of which the attorney has first-hand knowledge.

The Commission encourages both parties to consider settlement of this complaint through a mediation or settlement prior to a determination on the merits of the complaint. If a settlement is reached, the complainant accepts a satisfactory adjustment and agrees to withdraw his/her complaint, the Commission will cease its investigation and dismiss the complaint without a determination on the merits.

Enclosed is a packet of material that will acquaint you with the state's anti-discrimination laws, the Commission administers, and outline the procedures in the investigation of a complaint, and those investigative procedures. Each enclosed item is self-explanatory.

- 1) The complaint form.

- 3) A detailed list of Documents and Data required for the investigation of the
- 4) An Invitation to a No Fault Pre-Determination Settlement.
- 5) A Notice of Appearance (for your use if you choose to be represented by legal
- 6) PHRC Guide for Respondents.
- 7) Questionnaire on Pennsylvania State Contracts.

Within 30 days of the receipt of the service of this complaint, the Law requires that you respond to the allegations as they are stated in the complaint.

The Pennsylvania Human Relations Act and its Rules and Regulations provide:

A respondent shall file with the Commission, and serve on each named complainant, a verified answer within 30 days of service of the complaint. Upon written request of the respondent, and for good cause shown, the Commission may grant an extension of not more than thirty days in which to file the answer. The respondent shall serve a copy of the answer on each named complainant, and where an attorney has entered an appearance on behalf of the respondent, shall also serve a copy on the attorney.

(The specificity entailed in your answer is addressed in the previously cited enclosure titled "How to Defend".)

If there are any questions that you wish to ask about the complaint, the Fact Finding Commission's investigative procedures of the Commission, or the documentation you should provide, please contact me. I am the Human Relations Representative assigned to investigate this complaint. I will work with you and with the Complainant to find promptly the facts of the complaint or to bring about a settlement of the charge.

You are reminded of the PHRC regulations 41.82(1) and (2) which require the respondent to maintain the final disposition of the complaint all records relating to the complainant, and all records relating to similarly situated employees or similarly situated applicants for the same position.

Thank you for your cooperation.

Sincerely,

David F. Kozemchak
Fact Finder
(717) 787-9026

PENNSYLVANIA HUMAN RELATIONS COMMISSION

Exhibit # 6

Docket Nos. E-83928-AD & E-85

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION
UPTOWN SHOPPING PLAZA
2971-E NORTH SEVENTH STREET
HARRISBURG, PA 17110-2

DAVID KOZEMCHAK

Human Relations Representative
(Fact Finder)

Information requested from Respondent at Fact Finding Conference held (date): March 30, 1998

1. Please provide copies of the following records on the Complainant:
 - a. Job Title(s) and Job Description(s)
 - b. Job Application dated March 24, 1997
 - c. Attendance records
2. Please provide copies of the following records on employees hired by the Respondent for the period April 1, 1997 to August 1997:
 - a. Hire date and job title
 - b. Job application, race, date of birth, gender, and whether or not they have opposed any discriminatory practice forbidden by the Pennsylvania Human Relations Act.
 - c. Please also indicate and/or provide copies of records to indicate as to whether or not these employees were working at Respondent's facility as Temporary employees when they were hired by the Respondent.
3. Please provide a copy of the notices placed by the Respondent as regards to employment opportunities on or about April 1997 and July of 1997.
4. On or about September 29, 1997, please provide copies of the following discharge records on the Complainant and any similarly situated employees who were discharged for the same and/or similar reasons as the Complainant:
 - a. Name, date of discharge and reasons for discharge.

Exhibit 7

FIRST	LAST	TITLE	DOH	HIRE SOURCE	RACE	DOB	GENDER
HOMER	ANDERSON	RECEIVING	8/25/97		WHITE	7/23/40	MALE
ERIC	AUBEL	REPACK	8/18/97		WHITE	9/28/77	MALE
ARON	BOBB	REPACK	5/19/97		WHITE	11/28/74	MALE
ALEXIS	BRAVO	REPACK	8/18/97		HISPANIC	8/3/71	MALE
HECTOR	BURBON	RECEIVING	5/5/97		HISPANIC	1/23/65	MALE
GARY	CANFIELD	LABEL PICKS	8/25/97		WHITE	12/28/74	MALE
MATTHEW	CHAMBERS	LABEL PICKS	8/25/97		WHITE	4/10/71	MALE
GLORIA	CHAVEZ	REPACK	8/18/97	TEMP-TO-PERM	HISPANIC	9/22/58	FEMALE
TERESA	CHAVEZ	REPACK	8/18/97	TEMP-TO-PERM	HISPANIC	1/2/77	FEMALE
JENNIFER	COLE	MANIFESTOR	4/7/97		WHITE	2/2/71	FEMALE
CURTIS	CONAWAY	SUPV. - HOUSEKEEPING	5/27/97		WHITE	1/26/64	MALE
SCOTT	COY	LTL	8/18/97		WHITE	11/15/71	MALE
EDMUND	DAVIS	RECEIVING	5/27/97		BLACK	12/5/58	MALE
JOSEPH	FAIOLA	RECEIVING	6/16/97		WHITE	6/3/62	MALE
ANTHONY	GALARDI	LABEL PICKS	7/7/97		WHITE	9/7/39	MALE
JULIA	GARCZYNSKI	LTL	4/28/97		WHITE	7/3/59	FEMALE
WILLIE	GOLDEN, III	MANIFESTOR	4/14/97		BLACK	12/25/78	MALE
JOSEPH	GROB	RECEIVING	8/25/97		WHITE	3/1/77	MALE
DAVID	HARRIS	RECEIVING	7/7/97		WHITE	10/28/68	MALE
MATTHEW	HAWLEY	RECEIVING	8/18/97		WHITE	8/14/77	MALE
CYNTHIA	HORNING	REPACK	8/18/97		WHITE	7/2/55	FEMALE
DEBRA	HUBER	MANIFESTOR	8/18/97		WHITE	12/5/61	FEMALE
JAMES	JACKSON	CONVEYOR TECH I	6/2/97		WHITE	11/21/52	MALE
SOVANNARITH	KEO	RECEIVING	8/11/97		AAA	6/10/66	MALE
KATHY	KOHARSKI	REPACK	8/18/97		WHITE	10/2/53	FEMALE
PIEDAD	LARA	REPACK	8/18/97	TEMP-TO-PERM	HISPANIC	10/9/42	FEMALE
RICHARD	LEPLEY	MANIFESTOR	4/14/97		WHITE	8/10/71	MALE
JENJAMIN	MADER	MANIFESTOR	4/14/97		WHITE	6/19/77	MALE
PAUL	MALETTA	MANIFESTOR	4/7/97		WHITE	10/2/53	MALE
KEITH	MARSHALL	LABEL PICKS	5/27/97		WHITE	1/13/77	MALE
CASSANDRA	MARTINEZ	MANIFESTOR	4/14/97		HISPANIC	9/12/65	FEMALE
ALAN	MATHIS	RECEIVING	6/2/97		BLACK	2/22/72	MALE
MATTHEW	METALLO	RECEIVING	8/18/97		WHITE	9/19/75	MALE
MARK	MILLER	IND. ENGINEER	5/5/97		WHITE	2/23/75	MALE
SUSAN	MITCHELL	REPACK	8/18/97		WHITE	1/23/47	FEMALE
MILTON	MORALES	REPACK	8/18/97		HISPANIC	8/9/72	MALE

Exhibit #7

ALEXANDER	OWTSCHARUK	CONVEYOR TECH I	5/27/97		WHITE	7/22/51	MALE
PATRICIA	PANISWCWICZ	MANIFESTOR	5/5/97		WHITE	7/9/61	FEMALE
GUILLERMO	PAULINO	MANIFESTOR	8/4/97	TEMP-TO-PERM	HISPANIC	2/21/53	MALE
JODI	PECK	RECEIVING	5/27/97		WHITE	8/16/66	FEMALE
JUAN	PEREZ	MANIFESTOR	4/7/97	TEMP-TO-PERM	HISPANIC	7/11/61	MALE
CHRISTINE	ROE	REPACK	6/2/97		WHITE	8/9/64	FEMALE
THOMAS	ROSS	RECEIVING	5/5/97		WHITE	11/12/61	MALE
BRIAN	ROWE	MANIFESTOR	4/7/97		WHITE	10/31/64	MALE
JUAN	SANTIANO	MANIFESTOR	4/7/97	TEMP-TO-PERM	HISPANIC	7/15/66	MALE
ANN	SCHIAVONI	REPACK	4/7/97		A. INDIAN	8/28/50	FEMALE
LORI	SCHNECK	REPACK	5/19/97		WHITE	9/6/61	FEMALE
CHAD	SCHWALM	RECEIVING	8/18/97		WHITE	6/5/77	MALE
KAREN	SHEPPARD	LTL	8/11/97		WHITE	5/23/69	FEMALE
DEREK	SMITH	MANIFESTOR	4/7/97	TEMP-TO-PERM	BLACK	3/11/63	MALE
DEANNA	SNYDER	REPACK	5/19/97		WHITE	10/24/78	FEMALE
MARK	SPOONHOUR	RECEIVING	8/18/97		WHITE	6/22/71	MALE
MARK	SPROAT	MANIFESTOR	7/7/97	TEMP-TO-PERM	WHITE	10/30/75	MALE
JODY	STEWART	HOT REPLENISHMENT	8/25/97		WHITE	1/31/62	FEMALE
TERESA	TALION	REPACK	8/25/97		WHITE	3/28/73	FEMALE
DENYS	TOLEDO	MANIFESTOR	4/7/97	TEMP-TO-PERM	HISPANIC	4/18/71	MALE
ANGEL	TOLEDO	MANIFESTOR	8/4/97	TEMP-TO-PERM	HISPANIC	4/6/46	MALE
JENNIFER	ULSHINEY	MANIFESTOR	4/28/97		WHITE	6/13/71	FEMALE
JACK	UPDEGRAFF	LABEL PICKS	8/11/97		WHITE	2/5/55	MALE
SCOTT	VALLIER	REPACK	5/12/97		WHITE	1/7/76	MALE
HARRY	WESTHAFFER	MANIFESTOR	4/7/97		WHITE	8/29/71	MALE
ELI	WILLIAMS	LABEL PICKS	8/11/97		WHITE	12/30/78	MALE
NORMAN	WINFINDALE	REPACK	5/19/97		WHITE	4/24/78	MALE
WILLIAM	ZERBE	RECEIVING	8/25/97		WHITE	11/7/54	MALE

Employee History Report

05-Feb-99

Shirley Bennett

Employee Number: 4678

Pay Date	Pay Type	Dept	Hours	Rate	Gross	Fed. W/H	FICA W/H	State W/H	Local W/H	Unem W/H	Equip W/H	Adv.	Man. Chk.	Wage Atch	Net Pay
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1/24/97

R		1	40.00	6.50	260.00										
O		1	3.50	9.75	34.12										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										

Total Weekly:

43.50

294.12

2.58

22.51

8.24

2.94

0.09

0.00

0.00

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0.00

1/31/97

R		1	40.00	6.50	260.00										
O		1	2.50	9.75	24.37										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										

Total Weekly:

42.50

284.37

1.12

21.75

7.96

2.84

0.09

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0.00

2/14/97

R		1	40.00	6.50	260.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
R		1	40.00	6.50	260.00										
O		1	5.25	9.75	51.18										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										

Total Weekly:

85.25

571.18

5.14

43.69

15.99

5.71

0.00

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2/21/97

R		1	40.00	6.50	260.00										
O		1	3.50	9.75	34.12										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										

Total Weekly:

43.50

294.12

2.58

22.51

8.24

2.94

0.00

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Pay Date	Pay Type	Dept	Hours	Rate	Gross	Fed. W/H	FICA W/H	State W/H	Local W/H	Unem W/H	Equip W/H	Adv.	Man. Chk.	Wage Atch	Net Pay
2/28/97															
	R	1	40.00	6.50	260.00										
	O	1	0.50	9.75	4.87										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
Total Weekly:			40.50		264.87	0.00	20.26	7.42	2.65	0.00	0.00	0.00	0.00	0.00	234.54
3/7/97															
	R	1	40.00	6.50	260.00										
	O	1	0.25	9.75	2.43										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
Total Weekly:			40.25		262.43	0.00	20.08	7.35	2.62	0.00	0.00	0.00	0.00	0.00	232.38
3/14/97															
	R	1	40.00	6.50	260.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
Total Weekly:			40.00		260.00	0.00	19.89	7.28	2.60	0.00	0.00	0.00	0.00	0.00	230.23
3/21/97															
	R	1	39.50	6.50	256.75										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
Total Weekly:			39.50		256.75	0.00	19.64	7.19	2.57	0.00	0.00	0.00	0.00	0.00	227.35
3/28/97															
	R	1	38.50	6.50	250.25										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
Total Weekly:			38.50		250.25	0.00	19.15	7.01	2.50	0.00	0.00	0.00	0.00	0.00	221.59

Pay Date	Pay Type	Dept	Hours	Rate	Gross	Fed. W/H	FICA W/H	State W/H	Local W/H	Unem W/H	Equip	Adv.	Man. Chk.	Wage Atch	Net Pay
4/4/97															
	R	1	38.25	6.50	248.62										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
Total Weekly:			38.25		248.62	0.00	19.02	6.96	2.49	0.00	0.00	0.00	0.00	0.00	220.15
4/11/97															
	R	1	38.00	6.50	247.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
Total Weekly:			38.00		247.00	0.00	18.89	6.92	2.47	0.00	0.00	0.00	0.00	0.00	218.72
4/18/97															
	R	1	40.00	6.50	260.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
Total Weekly:			40.00		260.00	0.00	19.89	7.28	2.60	0.00	0.00	0.00	0.00	0.00	230.23
4/25/97															
	R	1	38.50	6.50	250.25										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
Total Weekly:			38.50		250.25	0.00	19.15	7.01	2.50	0.00	0.00	0.00	0.00	0.00	221.59
5/2/97															
	R	1	40.00	6.50	260.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
Total Weekly:			40.00		260.00	0.00	19.89	7.28	2.60	0.00	0.00	0.00	0.00	0.00	230.23

Pay Date	Pay Type	Dept	Hours	Rate	Gross	Fed. W/H	FICA W/H	State W/H	Local W/H	Unem W/H	Equip W/H	Adv.	Man. Chk.	Wage Atch	Net Pay
7/11/97															
	R	1	32.00	6.50	208.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
Total Weekly:															
			32.00		208.00	0.00	15.92	5.82	2.08	0.00	0.00	0.00	0.00	0.00	184.18
7/18/97															
	R	1	39.00	6.50	253.50										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
Total Weekly:															
			39.00		253.50	0.00	19.40	7.10	2.54	0.00	0.00	0.00	0.00	0.00	224.46
7/25/97															
	R	1	40.00	6.50	260.00										
	O	1	0.50	9.75	4.87										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
Total Weekly:															
			40.50		264.87	0.00	20.26	7.42	2.65	0.00	0.00	0.00	0.00	0.00	234.54
8/1/97															
	R	1	40.00	6.50	260.00										
	O	1	2.25	9.75	21.93										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
Total Weekly:															
			42.25		281.93	0.75	21.57	7.89	2.82	0.00	0.00	0.00	0.00	0.00	248.90
8/8/97															
	R	1	32.00	6.50	208.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
Total Weekly:															
			32.00		208.00	0.00	15.92	5.82	2.08	0.00	0.00	0.00	0.00	0.00	184.18

Pay Date	Pay Type	Dept	Hours	Rate	Gross	Fed. W/H	FICA W/H	State W/H	Local W/H	Unem W/H	Equip W/H	Adv.	Man. Chk.	Wage Atch	Net Pay
8/15/97															
	R	I	40.00	6.50	260.00										
	O	I	0.25	9.75	2.43										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
Total Weekly:			40.25		262.43	0.00	20.08	7.35	2.62	0.00	0.00	0.00	0.00	0.00	232.38
8/22/97															
	R	I	40.00	6.50	260.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
Total Weekly:			40.00		260.00	0.00	19.89	7.28	2.60	0.00	0.00	0.00	0.00	0.00	230.23
8/29/97															
	R	I	40.00	6.50	260.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
Total Weekly:			40.00		260.00	0.00	19.89	7.28	2.60	0.00	0.00	0.00	0.00	0.00	230.23
9/5/97															
	R	I	40.00	6.50	260.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
Total Weekly:			40.00		260.00	0.00	19.89	7.28	2.60	0.00	0.00	0.00	0.00	0.00	230.23
9/12/97															
	R	I	32.00	6.50	208.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
		0	0.00	0.00	0.00										
Total Weekly:			32.00		208.00	0.00	15.92	5.82	2.08	0.00	0.00	0.00	0.00	0.00	184.18

WEEK OF:

07-12-97 TO 07-16-97

SHIFT SCHEDULES
2808

DEPARTMENT:

HOT REPLENISHMENT PM

MANAGER: P. HOFFMAN

SPV/SENIOR A. TORRES/CHRIS R.

NAME	POSITION	START	BREAK	LUNCH OUT	LUNCH IN	BREAK	FINISH	DAILY WEEKLY HOURS
TORRES, AARON	SUPERVISOR	2:00 PM	4:30 PM	6:00 PM	6:30 PM	8:30 PM	10:30 PM	8.0 40.0
ROTHSTEIN, CHRIS	SENIOR CLERK	3:00 PM	5:00 PM	7:30 PM	8:00 PM	9:45 PM	11:30 PM	8.0 40.0
CRESPO, YOLANDA	SHIP CLERK II	3:00 PM	5:15 PM	7:00 PM	7:30 PM	10:00 PM	11:30 PM	8.0 40.0
GAUTIER, HIRAM	SHIP CLERK I	3:00 PM	5:30 PM	7:30 PM	8:00 PM	10:15 PM	11:30 PM	8.0 40.0
TOCCI, CRAIG	SHIP CLERK I	3:00 PM	5:45 PM	8:00 PM	8:30 PM	10:30 PM	11:30 PM	8.0 40.0
BOBB, ARON	SHIP CLERK I	3:00 PM	5:15 PM	7:30 PM	8:00 PM	10:45 PM	11:30 PM	8.0 40.0
HORNE, RON	SHIP CLERK I	3:00 PM	6:00 PM	8:00 PM	8:30 PM	10:00 PM	11:30 PM	8.0 40.0
ZDENKO VUKOVIC	SHIP CLERK I	3:00 PM	5:00 PM	8:00 PM	8:30 PM	10:00 PM	11:30 PM	8.0 40.0
PATRICK, DAVID	SEASONAL	3:00 PM	5:30 PM	7:00 PM	7:30 PM	10:15 PM	11:30 PM	8.0 40.0
HO, LUAN	SHIP CLERK II	4:00 PM	6:30 PM	8:30 PM	9:00 PM	11:00 PM	12:30 PM	8.0 40.0
ECHOLS, JAMES	SHIP CLERK I	5:00 PM	8:30 PM			11:00 PM	WED 6 TO 11 (M,W,TH)	6.0 29.0
SPEELMAN, DAVE (3)	SHIP CLERK I	6:00 PM	8:00 PM			11:00 PM		5.0 15.0
TRENN, JODI	SHIP CLERK I	12:00 N	2:00 PM	4:00 PM	4:30 PM	6:30 PM	8:30 PM	8.0 40.0
FOLWEILER, JANET	SHIP CLERK II	4:00 PM	6:00 PM	8:00 PM	8:30 PM	10:00 PM	12:30 AM	8.0 40.0
BRESSLER, ANGIE	SHIP CLERK II	4:00 PM	6:15 PM	7:30 PM	8:00 PM	10:15 PM	12:30 AM	8.0 40.0
SKRIPNIKOV, SEMAN	SHIP CLERK I	3:30 PM	6:30 PM				9:30 PM	6.0 30.0
PAYNE, ROMAINE	TEMPORARY	2:30 PM	4:30 PM	6:30 PM	7:00 PM	9:00 PM	11:00 PM	
BENNETT, SHIRLEY	TEMPORARY	2:30 PM	4:45 PM	7:00 PM	7:30 PM	9:15 PM	11:00 PM	
CONNOR, DOUGLAS	TEMPORARY	3:00 PM	5:00 PM	7:00 PM	7:30 PM	9:30 PM	11:30 PM	
CHOWDHURY, MATIN	TEMPORARY	3:00 PM	5:15 PM	7:30 PM	8:00 PM	9:45 PM	11:30 PM	
CONFORTI, BRAD	TEMPORARY	3:00 PM	5:30 PM	8:00 PM	8:30 PM	10:00 PM	11:30 PM	
CRILEY, CALVIN	SHIP CLERK II	3:00 PM	5:45 PM	7:30 PM	8:00 PM	10:00 PM	11:30 PM	8.0 40.0
ANDERSON, KAREN	SHIP CLERK I	6:00 PM	8:15 PM				10:00 PM	4.0 20.0

DAILY WEEKLY

HOURS BUDGETED:

133.0 654.0

OT AVAILABLE:

9 45

MAX HOURS ALLOWED:

142.0 699.0